



1984 Municipal Administration Training Institute (MATI)

The Municipal Administration Education Council undertook the first MATI Program last year at Camosun College. As many members know the course of studies was well received and met with considerable positive results. With the 1984 Program, considerable rethinking took place early in the year by the Education Select Committee and I am pleased to advise that MATI was once again a resounding success. This report is, therefore, intended to generally convey information on the activities to date as well as impart some of the philosophy of the MATI Select Committee toward this particular course of studies.

One of our primary objectives with MATI is to provide a vehicle of continuing education for persons engaged in the field of municipal administration. Our approach is to provide participants with access to not only competent instruction from leading practitioners within the Province of British Columbia, but also to current concepts and theories regarding legal, financial, and administrative matters. We also provide a forum for an exchange of ideas and methodologies within local government with a primary objective to establish a network between the participants (including the instructors) where there will be a free flow and interchange of ideas, not only at the course, but also on an ongoing basis.

Another objective with MATI is to provide the municipal practitioner with a package of practical and current information which is readily accessible to him and his colleagues upon returning to the office to assist them in decision making. With the 1984 Program, one of the more significant changes in meeting this objective was to capitalize on the experiences and expertise of the Continuing Legal Education Society of British Columbia (CLE). We adopted, for example, their format for compiling material as well as having an overall summary or index which preceded the course material. In this regard it is worthy of noting that this "indexing" resulted in a tremendous improvement on the course direction, standardization, and content.

There are many individuals in the municipal field who are seeking to improve themselves through educational programs. It is impossible to address all these 'wants' in one course of instruction. We have therefore had to be very selective in choosing the can-

didates. In 1984, 35 participants were once again selected.

The MATI Select Committee determined that the class should be comprised of persons with varying levels of local government experience, from various sized communities, with as wide a geographical distribution as possible. Also considered were such other factors as the length of the applicant's local government experience; size, need and geographic location of the community; the applicant's academic background and availability of training opportunities in their present location and position; the applicant's present position and future career plans. It was also established that although the main focus would still favour the new entry applicants from smaller communities, an effort would be made to also register some people from the larger communities. Accordingly, this is how the candidates were selected.

As in previous years our instructors were, to say the very least, 'fantastic'. We placed a great responsibility upon them, seeking a high calibre of course material and instruction. I am pleased to say that although many were undoubtedly taxed in getting their material together, without exception they completed it on time and without complaint. I had a number of participants say how valuable it was to have instruction from people who are actively engaged in the municipal field. A great deal of credit for the success of this program is due to the enthusiasm, professionalism and cooperation of these volunteers.

In summary, the MATI Select Committee has reinforced its 1983 Program. The basic criteria for selection of candidates has remained relatively the same, but with a bit of broadening to allow participation of some

continued on page 7

Courses and Instructors

Overview of Local Government

Bob Collier, Administrator, Delta

Statutory Duties of the Clerk

Agendas and Minutes

Meetings and Parliamentary Procedure

Wayne Buchanan, Director of Administration and City Clerk, Prince George

Royce Moore, retired City Clerk, Vernon

Personnel Management

Bill Eccleston, Director of Personnel Services, Surrey

Records Management, Indexing and Filing

Rosalie Spargo, Office Services Supervisor, Kamloops

Land Use, Zoning and Planning

Bob Collier, Administrator, Delta

Law - Planning

Donald Lidstone of MacKenzie Lidstone, Vancouver

Clerk and Mayor

Mel Shelley, Manager, Burnaby

Revenue, Budgeting and Accounting

Harald Hall, Director of Finance, Kelowna
Dave Gawley, Deputy Director of Finance, Victoria

Regional Districts

Chris Woodward, Inspector of Municipalities

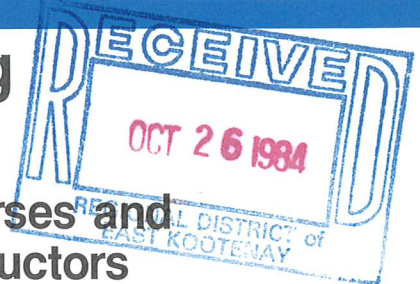
Election Administration

Sandy Gray, City Clerk and Director of Administrative Services, Nanaimo

Bylaw Drafting

Municipal Law

Galt Wilson of Harman, Wilson & Company, Victoria



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Personnel News

Lifememberships

At the 1984 Annual Conference, MOA members awarded lifemembership to **Dennis Young**, retired Executive Director of the Capital Regional District and former Chairman of the Education Council, and **Tom Moore**, retired Assistant Deputy Minister for the Ministry of Municipal Affairs.

New Members

Brian R. Henderson, Larson, Henderson, Barristers & Solicitors, Kelowna

Bruce A. Sheldon, Industrial Bank of Japan, Vancouver

Gordon F. Hubley, Auditor, Bestwick & Partners, Nanaimo

Michael M. Mah, Auditor, Church Pickard and Company, Nanaimo

Eugene J. Quan, Morguard Bank of Canada, Vancouver

Lon L. Smith, Larson, Smith & Henderson, Kelowna

Maureen Baird, Bull, Housser & Tupper, Vancouver

Donald Johannessen, Harman, Wilson & Company, Victoria

Grant Anderson, MacKenzie Lidstone, Vancouver

Lynn O'Brien, MacKenzie Lidstone, Vancouver

Dave Gairns, Administrator, City of Castlegar

Brian Strong, Deputy Clerk, District of Pitt Meadows

Nancy Grant, Assistant Secretary, Greater Vancouver Regional District

W.F. Siggitt, Manager of Finance, City of Kamloops

Patricia Burke, Deputy Treasurer, District of Massett

Loreen Francis, Director of Finance, City of Whitehorse

Debbie Comis, Deputy Clerk, District of Mackenzie

Jean Davis, Deputy Clerk, City of Grand Forks

Larry Sowa, Thorne Stevenson & Kellogg, Vancouver

Member Movement

John E. Wilson has assumed the position of Treasurer-Collector for the City of Courtenay (previously Clerk-Administrator for the Village of Cumberland).

Norm H. Paulson has taken on the duties of Clerk-Administrator for the Village of Cumberland (previously the Clerk-Treasurer for the Village of Gold River).

Harry C. Ellens is the new Clerk-Treasurer for the District of Coldstream (previously the Clerk-Administrator for the Village of Fraser Lake).

Jennifer Ann Bridarolli has been promoted from Deputy Clerk to Clerk for the City of Fernie.

Jim McBride has assumed the duties of Municipal Clerk for the District of Maple Ridge (previously Deputy Clerk).

Ian Turner has been appointed Clerk-Administrator for the Village of Fort St. James (previously Clerk-Administrator for the City of Fernie).

Awards

Dennis Young, retired Executive Director of the Capital Regional District, has been awarded lifemembership in the Canadian Association of Municipal Administrators. Mr. Young was a founding member of CAMA and served as president in 1973-74.

Grayden Hayward, Administrator for the City of Kamloops and **Dan Closkey**, retired District of Surrey Manager have been presented with CAMA Professional Awards in recognition of service with distinction as municipal administrators.

Retirement

J.W. Cuthbert, Treasurer-Collector, City of Courtenay.

Appointments

Jim Bramley, Manager for the City of Victoria, has been elected to the Board of Directors of the Canadian Association of Municipal Administrators.

Wayne Vollrath, Municipal Clerk in Surrey, has been appointed to the 1984-85 International Institute of Municipal Clerks' Professional Status Committee. The Committee's objective is to define what municipal clerks should do to maintain their professional image within their municipal government and the community in which they work.

Sandy Gray, Clerk and Director of Administrative Services in Nanaimo, has been appointed to the 1984-85 IIMC Academy Committee. This Committee serves as an advisory board to review and redirect the entry requirements into the Academy for Advanced Education. In addition, the committee will be called upon for interpretation of Academy requirements, qualifying education programs that meet Academy standards, and promoting continuing education.

MUNICIPAL OFFICERS' ASSOCIATION OF BRITISH COLUMBIA CHAPTER 290

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President's Report

It's been a busy summer.

Immediately following the Conference in Penticton the Executive met to set out an action plan directed to giving our Association the administrative muscle required to implement our principal objectives of professional development and education.

The first step was to request reports from the Education Council, the Treasurer and the Secretary listing the duties presently performed and, in the case of the Education Council, a precise idea of the administrative support they require. In addition, the Ministry of Municipal Affairs was asked to summarize the work required by the Board of Examiners with a view to entering into a contract with the Ministry to provide this administrative back-up.

Next the Treasurer was asked to prepare a 1985 provisional budget, assuming that a permanent administrative officer was hired and in place by the 1st of January next year. This exercise was designed to give the Executive a clear idea of the impact on our fee structure if such a step were taken.

With these reports in my hands by early July, I prepared a summary document for the Executive meeting set for the 6th & 7th of September. Basically, the objective was to set out clear terms of reference for the administrative position, along with an estimate of our capabilities to pay for this service.

The executive at its meeting in Penticton also directed that the proposal be referred to the Local Chapters for their advice and com-

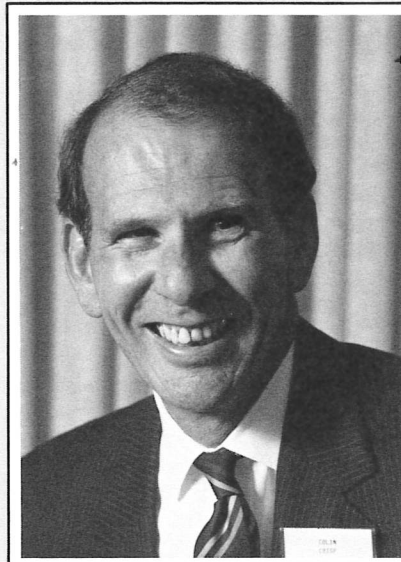
ment prior to proceeding to advertise for the position. Given the dates of the Fall Chapter Meetings, along with the desire on the part of the Executive to have a permanent appointment made by the 1st of January, 1985, it is necessary to receive Chapter comment by the end of October so that advertising, interviewing, etc., can take place in November and December.

These steps have now been accomplished. The executive has endorsed the report which, in a condensed form, has been sent on to the Presidents of the Local Chapters.

At our meeting in September two important resolutions were adopted. One was to extend the executive secretary's contract to the end of 1984 to provide continuity of service. The second was to hire an "Administrative/Educational Officer" by January, 1985, subject to the advice and comment of the Local Chapters.

The Executive looks forward to hearing your comment and, hopefully, to receiving your support. If we are to maintain and run a professional organization, the minimum requirement is to have the administrative capability to fulfill our objectives. Unfortunately it is no longer possible to rely entirely on volunteers with our size and complexity.

In other news, the Municipal Administrative Training Institute held at Camosun College in August was a resounding success. Again we owe a great debt to all those involved in setting up the course and to our colleagues who are faculty members. Students participated with enormous dedication and the feed-back



Colin Crisp

indicates that they not only enjoyed themselves but learned a tremendous amount in this very intensive, one-week course. As it turned out, the course certificates were given out by the course mentor, Bob Collier, and myself at the final dinner at a well-known Victoria restaurant that certainly has not got a reputation for candlelight and wine. What was lacking in academic decorum was made up for by enthusiasm which was a great way to wind up the course.

Hopefully I will be able to see many of you at your Fall Chapter meetings which I hope to attend insofar as time allows.

Auditing Human Resource Management Course

The Canadian Comprehensive Auditing Foundation is sponsoring a three day seminar beginning March 18, 1985 in Vancouver to explain and illustrate human resource management from the point of view of the employee, the manager, the personnel office, and the organization as a whole.

Using extensive case material, the course will cover the dimensions of human resource management including managing people, personnel policies and systems, and organizational behavior and development. Other topics to be discussed involve planning a human resource survey and conducting an audit. Group case work will assist in identifying opportunities for improving value for money.

The cost of the course is \$575 for members of the Foundation and \$675 for non-members. Further information can be obtained by contacting the Professional Development Co-ordinator, Canadian Comprehensive Auditing Foundation, 112 Kent Street, Suite 1315, Ottawa, Ontario K1P 5P2.

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THE TREASURY

Use of Microcomputers for Budget Preparation and Modelling

The following article has been provided by MOA member **Robert Shaw** of **Thorne Riddell** in Vancouver.

The preparation of provisional and annual budgets for a municipality or regional district can be a tedious and time-consuming task. The purpose of this article is to explain how the microcomputer can be used to assist in the budget preparation process. The possibilities for cash forecasts and graphics will also be discussed.

Which Microcomputer?

At this point you may ask, (1) which microcomputer, and (2) which software package should I use? This question would require an article in itself to fully explain the advantages and disadvantages of each computer and package available. For the purposes of this article, however, the "Lotus 1-2-3" package will perform the functions described. This package is based on the "electronic spreadsheet" concept, e.g. Visicalc. However, it also provides graphics and data management functions in the same package. The package may be purchased for approximately \$750, and presently operates on the IBM personal computer with 128K of memory.

The Budget Preparation Process

In preparing the annual budget, each department will first estimate its needs for the coming year. These needs will be "prioritized" within each department, then accumulated for all departments. The method of prioritization will vary between each municipality or regional district; some may choose a sophisticated "zero-base" budget approach, while others may simply allocate budget funds as a percentage of prior year's expenditures. The "prioritization" step will require significantly more time for a zero-base budgeting approach.

The accumulation of department needs is a fairly straightforward process. However, once all departments have submitted their requests for funds, these requests must be "ranked" by comparison to other departments. As a result, several "drafts" of the budget will be re-written before all departments agree on the allocations. As the budget moves through the various stages of approval, eg. City Council, more drafts will be required.

Prioritization of Expenditures

The microcomputer can be utilized first in the prioritization step. The 1-2-3 package allows you to enter the funds requested by department in a list on the blank "spreadsheet" page (see Exhibit 1).

The process is as simple as typing the numbers onto a page of paper; no programming experience is required.

This process may require several weeks of elapsed time as each department concludes on its anticipated needs. However, the spreadsheet "model" may be saved and called up when desired for the addition of new department data.

Once all department data has been entered, the package can "rank" the funds requested by order of priority. If necessary, the expenditures priority listing may also be re-sorted by department, by fund, by expense

type, or whatever criteria is desired.

If zero-base budgeting is done, it will first be necessary to identify "decision packages". The microcomputer can then be used to rank and evaluate all decision packages by cost benefit analysis.

The expenditures priority listing may then be used as the input for the "budget model", shown in Exhibit 2.

The Budget "Model"

The budget model is constructed in a similar manner to the expenditures priority listing. The line descriptions, e.g. Taxes, will be typed in directly. However, the number columns require the entry of simple formulas to allow quick recalculation of the model as the input numbers change.

In order to achieve maximum efficiency, the budget model can be set up so that it automatically picks up the input number

1983 EXPENDITURES PRIORITY LISTING

Fire Department	\$	Priority
Salaries	500,000	1
Office supplies	2,000	2
Maintenance contracts	1,000	3
Capital expenditures	6,000	4
etc.		
Police department		
Salaries	100,000	1
Office supplies	2,500	2
Telephone	12,000	2
etc.		

EXHIBIT 1

Schedule "A" Anytown Budget For The Year Ended _____

REVENUE		\$
Code Ref.		
11	Taxes	(a) 1,000,000
12	Grants	(b) 50,000
	etc.	
		(z) _____
		5,000,000
		(= sum (a) to (z))
EXPENDITURE		
Code Ref.		
21	General Government	(aa) 500,000
22	Protective Services	(bb) 250,000
		(zz) _____
		5,000,000
		(= sum (aa) to (zz))

EXHIBIT 2

from the expenditures priority listing. This is done by referencing the co-ordinates on the worksheet which correspond to the input figures for the listing.

We now have two models set up which are "integrated" so that as one model changes, it directly affects the other. (If worksheet space is inadequate to set up both models the "Multiplan" package allows "linked" models). Several funds may be integrated in the budget model so that the input numbers can flow from one fund to the other automatically, e.g. capital expenditures out of revenue of \$9,000 in the Waterworks Utility Fund can be passed into the Utility Capital and Loan Fund.

The capital expenditure programme can also be set up on the microcomputer. This model may then be updated easily in subsequent years.

If budget variance reports are desired, the final budget numbers can be input from the budget model into a mini- or micro-based accounting system. In addition, the budget model will form the basis for the financial statements prepared at the end of the year. The actual results may be input back into the model when the financial statements are prepared.

Cash Forecasting

The microcomputer can also assist in the preparation of cash forecasts. For example, a municipality with a land development project may wish to forecast cash flows over a ten-year period. A forecasting model can be set up on the microcomputer by the accountant. The construction of the model is assisted by the use of a function built into the package which allows quick "replication" of formulas and numbers. A simple model only requires a few minutes of time to set up. Exhibit 3 shows a "basic" cash flow model that could be set up.

The basic model will allow the user to input different assumptions and have the computer recalculate the effect of the changes over a ten-year period. For example, the user may wish to see the cumulative effect of increasing cash inflows by 10% over ten years.

The model can be enhanced by using a function available in the 1-2-3 package to calculate the present value of cash flows. If desired, a mortgage amortization schedule can also be integrated with the basic model. In this way, the user can view the effect of varying interest rates on the debt payments in the model. Several different versions of the same model using different assumptions may be set up and saved for future viewing.

Graphics

If you want to "spice up" your budgeting or forecasting models, the 1-2-3 package also constructs graphic representations.

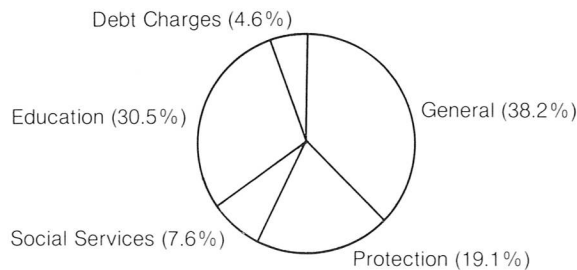
This could be useful for presentations at council meetings, etc. You can also construct line graphs, bar charts, and XY graphs from your budget and forecasting models.

CASH BUDGET 1983-1993

	1983	1984	1985	1993
Cash provided from				
Income from operations	a = \$10,000	b = a + 10%	c = b + 10% etc.	
Government grants	5,000	3,000	3,000	
	(1)	(4)	etc.	
Cash applied to				
Purchase of land + bldgs.	7,000	8,000	3,000	
Development costs	d = 3000	e = d + 15%	f = e + 15% etc.	
Decrease in long-term debt	2,000	1,500	1,000	
	(2)	(5)	etc.	
Net Cash	(1) - (2) = (3)	(4) - (5) = (6)	etc.	
Cumulative		(3) + (6) = (7)	etc.	

EXHIBIT 3

1984 BUDGET — EXPENDITURES



1984 BUDGET — REVENUES

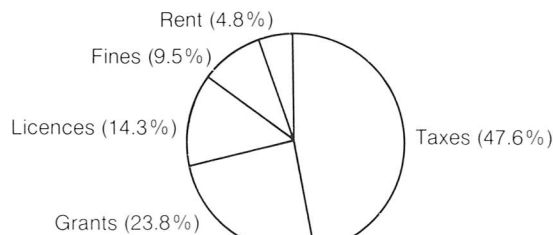


EXHIBIT 4

The microcomputer can not only save time in the preparation of budgets and cash forecasts; it can also enhance the information produced.

Mini vs. Micro

Many municipalities today have minicomputers to handle day-to-day accounting functions. These computers are multi-user systems which range in price from \$50,000 - \$250,000. The average microcomputer is a single-user system which costs about \$5,000. Although minicomputers normally have more "memory capacity" than microcomputers, the tremendous advances in microcomputer technology in the last two years have narrowed the gap.

You may say, "I have this minicomputer in the back, why do I also need a microcomputer for budgeting?" The problem many users find is that they cannot conveniently

access the mini when it is performing accounting functions. The microcomputer allows the user access at any time to view his model and make changes as necessary. In addition, the software available for the budgeting or forecasting function is normally cheaper for the microcomputer. For example, a good spreadsheet package for a minicomputer such as an IBM System/34 may cost as much as \$14,000 - \$20,000. A software package with similar functions for a microcomputer such as the IBM Personal Computer will cost under \$1,000. You can save money by purchasing the micro, and you also acquire an additional machine for word processing, data management, etc.

Microcomputer hardware and software is still in its infancy, and many new programs are being introduced each month. The budgeting and modelling programs available merely "scratch the surface" of the microcomputer's power.

1984 MATI Course Graduates



Front: A. Brown, T. Strong, M. Fuller, J. Stephens, R. Greno, D. LaPierre, M. Espenhain, M. Smith, P. Taylor
Row 2: D. Dashwood, B. Conn, J. Lynch, M. Torgerson, B. Woodbury, G. Reynoldson, D. Blake, J. Schill, D. Comis
Row 3: R. Spargo, R. Harper, J. Forbes, P. Durban, T. Barge, P. Tamilin, M. Wilson, A. McKenzie, E. Hill
Row 4: W. Buchanan, D. Ross, G. McIntyre, V. Morelli, G. Nason, K. Davis, A. Hogan
Row 5: R. Collier, R. Moore, P. Cove, D. Fleming, G. Cook, M. Caufield

Where They're From and What They Do

Terri-Anne Barge

Clerk-Treasurer, Telkwa

David Blake

Administrative Officer, Ministry of Municipal Affairs

Amy Brown

Secretary-Bookkeeper, New Hazelton

Michael Caufield

Deputy Administrator, East Kootenay Regional District

Debbie R. Comis

Deputy Clerk, Mackenzie

Bonny Conn

Deputy Clerk, Tumbler Ridge

Gerald Cook

Financial Officer, Ministry of Municipal Affairs

Philip D. Cove

Deputy Clerk-Administrator, Peace River-Liard Regional District

Debra Dashwood

Deputy Clerk, Creston

Kenneth B. Davis

Manager of Communication Services, Kamloops

Patrick O. Durban

Deputy Clerk, Ladysmith

Marilyn Espenhain

Clerk, Rossland

Douglas B. Fleming

Deputy Clerk, Chetwynd

Jamie Forbes

Deputy Clerk, Trail

Marilyn P. Fuller

Administrative Assistant, Mount Waddington Regional District

Robert S. Greno

Executive Assistant, Terrace

Robert Harper

Administrator, Ashcroft

Ellen Hill

Payroll Clerk, Salmon Arm

Anne Hogan

*Deputy Secretary, Fraser-Fort George
Regional District*

Diane A. LaPierre

Deputy Clerk, White Rock

Judy Lynch

Deputy Clerk, Powell River

Gary M. McIntyre

Treasurer, Cariboo Regional District

Alex J. McKenzie

Clerk-Treasurer, Greenwood

Vince Morelli

Deputy Clerk-Treasurer, Invermere

Gary C. Nason

Deputy Clerk, Port Alberni

Gail Reynoldson

Accountant, Merritt

Darlene E. Ross

Deputy Treasurer, Kootenay-Boundary

Regional District

Joan E. Schill

Deputy Clerk, North Saanich

Mavis Smith

Clerk, Houston

Teresa Strong

Assistant Clerk, Matsqui

Peter W. Tamilin

Assistant Director of Finance, Burnaby

Philip A. Taylor

Clerk-Treasurer, Golden

May Torgerson

Clerk, Valemount

Marie Wilson

Chief Accountant, Cranbrook

continued from page one

larger municipalities. This approach has been criticized by some who, for example, wish to have the participation further broadened or, have the availability or the programming expanded. At the present time there are many who are suggesting that a second course or a second level of instruction should be created. While I wholeheartedly support this proposition, I also recognize under our present organizational structure this would not be possible for some time. At present there is a bigger issue which must be addressed first, concerning the overall professionalism of the association and how our educational pursuits ought to be geared to meet these, as yet to be determined, standards. While I see MATI as an excellent base to work from, careful consideration must be given before we broaden our horizons. It must also be borne in mind that we are trying to establish the credibility of the Municipal Administration Education Council in the field of municipal education, and for this reason, we must continue to strive to make MATI the best program possible; to do otherwise would be to the Municipal Officer's Association's detriment.

In closing it is hoped that the members have been afforded a greater appreciation as to the Select Committee's perspective on the Municipal Administration Training Institute. If at any time I can further elaborate on this topic I will be pleased to do so.

*Sandy T. Gray, Chairman
MATI 84 Select Committee*

Bill 30 – Expropriation Act

Bill 30 was given first reading on May 16, 1984. The Bill did not progress any further before the Legislature was adjourned but it is our understanding the Government intends to proceed with the Bill in the fall session. Some of the more important provisions of this Bill are:

1. For municipal expropriations the approving authority is Council. – section 1. Expropriation must be approved within 30 days – section 17;
 2. An owner may agree to transfer his property with compensation determined by the expropriation compensation board (the "board") – section 3;
 3. No expropriation without approval of the approving authority – section 4;
 4. Cannot dispute right of expropriating authority to expropriate – section 4;
 5. Expropriating authority must give notice of intention to expropriate – section 6. This notice must be filed in the Land Title Office – section 7;
 6. An owner who has received notice of expropriation may request an inquiry as to whether the expropriation is necessary to achieve the objective of the expropriating authority – sections 9 and 13;
 7. Inquiry request can be denied where frivolous – section 10 or under special circumstances – section 5;
 8. Expropriation may be abandoned before land vests – section 18;
 9. Expropriating authority required to make advance payment to the owner of estimated value (other than business losses) within 21 days of approval of expropriation along with a copy of its appraisal report – section 19;
 10. Payment of estimated value does not stop owner from having the board determine value – section 19;
 11. If expropriated land not required for a project after expropriation, former owner has the right of first refusal to re-acquire the land – section 20;
 12. Expropriated land vests in expropriating authority 30 days after approval of expropriation on filing vesting notice in Land Title Office – section 22;
 13. Board determines in writing compensation to be paid – section 25;
 14. Appeal of boards' decision is to Court of Appeal – section 27;
 15. Compensation is based on greater of market value of land at present use or highest and best use plus any special economic advantage to owner plus value of improvements – section 30, plus disturbance allowance, – section 33 and business losses – section 33;
 16. Where business is carried on at a different location after expropriation, compensation for business loss is not determined until at least six months at new location – section 33;
 17. Compensation for churches, etc., where there is no real market will be determined at replacement cost – section 34;
 18. There is provision for compensating lessees – section 35 and section 38;
 19. If expropriated land includes the residence of the owner, there is an additional compensation of 5% of the value of the land. If residence is occupied by a tenant, there is additional compensation for the tenant of 3 months' rent plus moving costs – section 37;
 20. Partial takings will be compensated at difference in market value before and after expropriation – section 39;
 21. There is provision for compensation for injurious affection – section 40;
 22. There is provision for an offset against compensation if the project is of special benefit to the person expropriated – section 43;
 23. There is provision under specified circumstances for an expropriated owner to be compensated for legal and appraisal costs of either appearing before the board or before an inquiry officer. An owner is never responsible for the boards' or an inquiry officer's costs – section 44. An owner may periodically bill the expropriating authority for costs prior to settlement of compensation payable – section 47;
 24. The expropriating authority is required to pay interest on compensation amounts over and above the advance payment at prime bank rate and if advance is less than 90% of full compensation awarded, at prime plus 5% – section 45;
 25. Delay by either party may result in interest penalties – section 46;
 26. Service of documents is either personal or registered mail – section 48;
 27. The board has power to extend or abridge the time within which certain actions must take place – section 49.
- There may well be substantial amendments to the Bill after it is debated in the Legislature.

Robert J. Orr

Bull, Housser & Tupper

LEGAL CORNER

Does the Combines Investigation Act Apply to a Municipality?

The following article has been provided by MOA member **Robert J. Orr** of **Bull, Housser & Tupper** in Vancouver.

Some day you may see a headline reading,

"Mayor and Council Sentenced to Jail — Municipality Fined One Million Dollars."

Ridiculous? Probably at the moment, but possible in the future. Not long ago the Supreme Court of United States held that the City of Boulder, Colorado, was not exempt from Federal antitrust laws. (1) This was so despite the fact that the State of Colorado had properly and lawfully delegated to Boulder (and other Cities) the full right of self-government in both local and municipal matters. This delegated right specifically allowed Boulder to pass ordinances superseding state laws.

What was the terrible breach of antitrust laws committed by Boulder? The Court did not hold that Boulder had breached any antitrust laws; it merely said that an emergency ordinance (bylaw) prohibiting for three months a cable television company from expanding its business into an area of the City not yet served was not exempt from Federal antitrust laws. The purpose of the prohibition was to give council sufficient time to draft a model television ordinance and invite new businesses to enter the market under the terms of the ordinance. As stated above, the Supreme Court did not hold that the emergency ordinance was a breach of the Federal antitrust laws but it did grant a preliminary injunction to the cable television company preventing the City from restricting the cablevision company's proposed expansion, (which to the cablevision company would be just about as good).

Could this happen in Canada? The writer once participated in seminars on the **Combines Investigation Act** with the then Director of Investigation and Research under that Act. He told me at one of these seminars that he wanted to take on one of the professions as being in breach of the Act and after that a municipality that was, in his opinion, **unduly** lessening or preventing competition. The profession he took on was the Law Society of British Columbia in the **Jabour Case** (2) which went to the Supreme Court of Canada.

The Director in question has gone on to some bigger and better position with the Federal Government. In the writer's opinion the philosophy of the Combines people has not changed. They are frustrated as the Courts have more often than not held against them under the present Act (1976) and two major revisions have died on the order paper. However, even under the present Act a person found guilty of conspiring to unduly lessen competition has committed a criminal offence and is liable to imprisonment for five years or a fine of a million dollars or both (the last revision which died on the order paper increased the ante on fines to two million).

Should this be a real concern to municipalities? Not if staff ensures that any action of council which prevents or lessens competition or which sets prices is sanctioned by specific legislation. It is clear, I think, that a Province may, within the scope of its legislative powers, give a municipality the right to do things which, without that specific authority would be or could be a breach of the **Combines Investigation Act**. Some examples of such specific legislation are the following sections of the **Municipal Act**:

Section 716(1) (b) zoning power to prohibit uses;

Section 722(3) and (4) — lawful non-conforming prohibition of structural alterations and rebuilding after destruction;
Section 646 — exclusive franchises for certain public utilities;
Section 528(f) — limit on number of vehicles which may be licensed;
Section 508 — refusal to grant business license.

Earlier I suggested that the Combines Branch were frustrated because it had lost so many of its prosecutions. One of the reasons for the losses was the wording of the present Act prior to 1976 which required that the Combines Branch prove that the defendant **unduly** lessened or prevented competition. To over simplify, the Courts held that unduly means something between virtually eliminating competition and gaining control something over 50% of a very substantial market — in some cases the entire market in Canada. However, now the Act in Section 32(1.1) states that it is not necessary to prove that competition, **in the market to which it relates**, would be virtually eliminated and this provision was carried into the last (April, 1984) proposed revision. The "Background Information and Explanatory Notes" issued in regard to the 1984 proposed revision states:

"Indeed, subsection 1.1 has yet to be tested in a court case. Moreover, over the course of the past two years, there have been four major convictions that demonstrate the section does indeed work. Therefore, the basic test in subsection 32(1) is, **for the time being**, to remain unchanged — namely that the agreement, if put into effect, must lessen competition unduly." (my emphasis).

Such actions by Council as blanket prohibitions of certain uses in all zones which leave present business as legally non-conforming uses or exemptions from shops closing by-laws based on the amount of square feet retail space are not **specifically** authorized by the **Municipal Act** and would appear to lessen competition in the market to which it relates i.e. the market in the municipality concerned.

Please keep the Mayor and Council Members out of jail — otherwise it will be difficult to obtain a quorum.

1. **Community Communications Company, Inc. v. City of Boulder, Colorado et al** 455 U.S. 40, 70 L Ed 2d 810.
2. **A.G. of Canada et al v. Law Society of British Columbia et al**

Jabour v. Law Society of British Columbia (1982) 137 D.L.R. (3d) 1 (Supreme Court of Canada).

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Council and Staff Relations

The following is a summary of the comments made by Mel Shelley, Municipal Manager, District of Burnaby at the 1984 MATI course on the different but complementary roles and responsibilities of elected and appointed municipal officials.

Role of the Administrator and Council

1. The department head or manager's job is more than effective, efficient and economical administration, but that is the prime role.
2. Council's job is more than just setting policy, although that is its prime role.
3. Administrators need direction from council; councils need advice from administrators.
4. Each must understand and appreciate the role of the other.
5. There must be balance at all times in the mechanism.
6. Department heads and managers are in an ideal position to recommend policies, but council has probably delegated so much to administrators that it is difficult

for council to assess the recommendations made to it by staff.

7. There must be sufficient mutual trust, respect, understanding and patience to overcome this problem.
8. A department head or manager does not have to agree with council, but you must make it work, notwithstanding that you might disagree with the council.
9. Each must do what they believe is right; administrators must always make recommendations to council with this thought in mind.
10. Compromise only after both "pure" inputs have been received.
11. Administrators should feel free to recommend on any matter before council.

Relationship with Council

1. Put recommendations in writing.
2. Don't get involved in debate at council meetings.
3. Do not lobby with members of council.
4. You must explain and defend council's actions even if you disagree.

5. Listen to understand or support, rather than listening to rebut.
6. You must be able to advise individual members of council and maintain their confidence.
7. You must be accountable.
8. Watch out for strong standing committees becoming involved in administration.
9. Members of council will deal directly with staff; set up systems so that you are aware of such contacts.
10. Remember the line between policy and administration is not precise.
11. Keep council informed, even about administration.
12. Your files are open to council members.
13. Minimize "rubber stamp" feeling that council members can get.
14. Give each member of council the same information.
15. Your recommendations become the decisions of council.
16. Administrators are unique — there is no one right way.
17. Council is the final authority.

Insurance Management

The August 1984 issue of "UBCM News" contained an extensive article regarding the recent Supreme Court judgement *Neilsen vs Kamloops* (20 July 84 — Reg. #16896) which has increased the exposure potential of municipalities to liability for "economic loss."

Essentially this judgement now means that where a municipality makes a "policy" decision to regulate, passes a bylaw accordingly, and the bylaw charges its staff with the "operational" duty of its enforcement, any breach of that duty which results in reasonably foreseeable economic injury to third parties may see the municipality held liable for damages.

While municipal errors and omissions liability insurance, carried by most

municipalities, covers "economic loss" of this nature, both its cost and the size of its primary self-insured deductible have been increasing recently due to worsening loss experience. This trend can only be exacerbated by this latest judgement, which now has the effect of law.

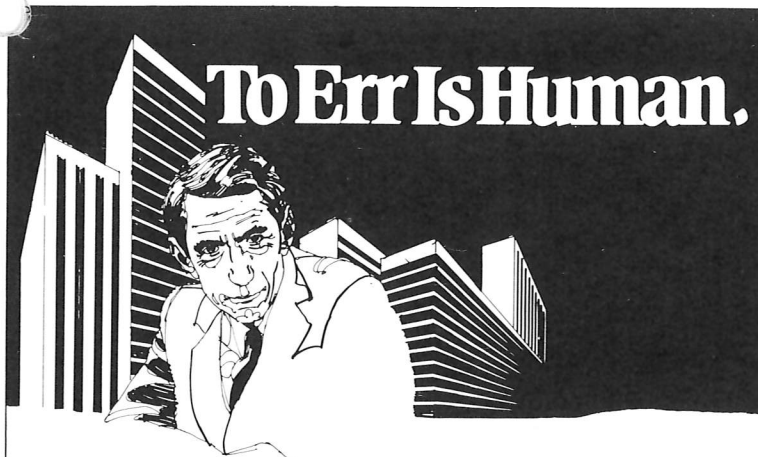
The "UBCM News" article makes a number of recommendations as to how this increased exposure potential can be minimized. The most important of these recommendations are:

1. Bylaws should be scrutinized to identify and repeal any provisions which impose a duty on municipal staff to enforce them.

2. Whenever administrative staff learn of any bylaw violations which might cause damage to third parties and are unable to eliminate that danger by an "operational" decision, the matter should be referred to Council for a "policy" decision.

Catastrophic snow budget stabilization insurance for municipalities has recently been introduced in the United States. Coverage is subject to an annual deductible based on an actuarial formula calculated from historic snow removal expense records. This insurance coverage is not yet available in Canada.

(Source: Yorkshire Insurance Managers Ltd.)



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. . . AND IN MAJOR CENTRES THROUGHOUT CANADA.

New MOA Executive

At the 45th Annual Conference of the Municipal Officers' Association held in Penticton, the following municipal officers were elected to serve on the Executive Committee:

<i>President</i>	Colin F.G. Crisp Deputy Manager—City Clerk City of Victoria
<i>Vice-President</i>	Wayne B. d'Easum Administrator Comox-Strathcona Regional District
<i>Secretary</i>	C. Wayne Vollrath Municipal Clerk District of Surrey
<i>Treasurer</i>	Ross M. Conlin Clerk—Treasurer District of Kent
The Executive Committee is completed with the addition of the following:	
<i>Past President</i>	William D. Kennedy Director of Finance City of Prince George
<i>Director, Vancouver Island</i>	Lorne A. Anderson Administrator District of Campbell River
<i>Director, Lower Mainland</i>	Norman A. Cook Administrator Dewdney—Alouette Regional District

<i>Director, Okanagan</i>	George A. Paul Administrator City of Penticton
<i>Director, West Kootenay</i>	Reid Henderson Administrator Central Kootenay Regional District
<i>Director, East Kootenay</i>	Robert A. Miles Clerk—Administrator District of Elkford
<i>Director, North Central</i>	Harald Hansen Administrator City of Dawson Creek
<i>Director-At-Large</i>	Ron A. Born Deputy Administrator City of Kelowna
<i>Director-At-Large</i>	Gordon M. Howie Clerk—Administrator City of Prince Rupert
<i>Director-At-Large</i>	Larry D.E. Jardine Secretary-Treasurer Sunshine Coast Regional District

Municipal Administration Education Council

Chairman (Pro-tem)

Bill Kennedy, Director of Finance,
City of Prince George

Members

Dennis Caldwell, former Secretary, Mount
Waddington Regional District

Bill Eccleston, Director of Personnel
Services, District of Surrey

Stewart Fleming, Administrator,
City of Kelowna

Sandy Gray, Clerk and Director of
Administrative Services, City of Nanaimo

Reid Henderson, Administrator, Central
Kootenay Regional District

John Murray (Board of Examiners
appointee), Chief Administrative Officer,
District of Powell River

Richard Taylor (UBCM appointee),
Assistant Executive Director, Union of
British Columbia Municipalities

Andy Teslyk, Administrator,
District of Chetwynd

Chris Woodward (Ministry appointee),
Inspector of Municipalities

Ted Youngberg, Honorary Secretary,
MOA Lifemember

Joan Stephens, Executive Secretary,
MAEC

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Planning Cash Sliced in Co-ordination Push

The provincial government has slashed planning grants to local governments by nearly half in a radical move to limit planning and emphasize co-ordinated development.

Municipal Affairs Minister Bill Ritchie said in an interview that legislation to amend land use sections of the Municipal Act will be introduced next spring.

The new emphasis will be to give people in rural areas a say in their future, while unorganized areas next to municipalities will have to tie in their plans to the future plans of the municipality.

"There are two very basic changes to this," said Ritchie.

"One is that we'll be imposing fewer regulations to planning on all of the unorganized areas and we will be giving more certainty to the community at large.

"I'm thinking of those people who look toward investing in projects; commercial, industrial, etcetera, with more certainty about what is happening and what could be happening in the future."

Ritchie said planning grants to municipalities and regional districts were cut 40 to 50 percent this year to just more than \$1 million. The money went to those municipalities wrapping up official plans and those fringe areas bordering municipalities. There were no funds for rural areas.

He has attached a rider that no funds will be paid until the plans are completed and registered with his ministry to obviate the problem of local governments carrying on a planning review for years without completion.

In the first major change to municipal planning grant regulations in nearly two decades, Ritchie has set out a priority list of who can dip into the \$1 million planning pot:

1. Municipalities drawing up a first-time plan;
2. New settlement plans for fringe areas next to municipalities;
3. Amendments to official community or settlement plans where it is in the interest of provincial economic development to amend;

4. Review of five-year-old plans; and
5. The lowest priority, plans for rural areas.

The maximum Ritchie would allow for any planning grant this year was \$50,000.

Ritchie has emphasized the need for areas adjacent to municipalities to be included in plans for trunk sewers and roads.

"We have areas in the province where a lot of development has been taking place outside of their municipal boundaries and this has created problems whenever the municipality has found it necessary to expand or even provide the services out there.

"We have to look on these areas as being future expansion areas and therefore we consider it very important that there be planning done there in close communication with the community plan.

"If they haven't got a plan they will be encouraged to have one, or if they are amending that plan we will expect them to do that in very close communication with the bordering municipality."

"The rural areas will continue in a more open planning philosophy decided by the residents who will set any plan changes by referendum.

"There will be less planning, less emphasis placed on those rural areas. There is a freeze on planning on all those areas for this year.

"In future, rather than the director for that area coming to the board with a request to go ahead and do a plan for the electoral area, we will be requiring them to go to referendum and ask the people who will be affected if indeed they wish to be planned.

"There has to be a great deal more importance in planning in areas adjoining municipalities and I am saying there has to be less emphasis on planning in the rural areas. That planning has to be done at the wish of the people who are affected by it.

"We find that in many of those areas there has been over planning and generally speaking, the people who wish to live in an unorganized area are out there because they don't want all those regulations."

Ritchie is miffed by the constant review of community and settlement plans which are never finished and filed with the ministry.

"My question is when are they going to adopt them? Unless a plan is adopted by council and registered with this ministry it is not official.

"We will not allow communities to keep plans under the counter.

"There is no point in planning and planning and having it sit in the municipal hall all the time.

There should be a limit to the time it takes to do a plan and I consider about three years as the maximum at which time the plan should be finally adopted as...guidance into the next five years as to what is going to happen to land use."

(Source: Patrick Murphy, Victoria Times-Colonist)

Calendar

October 12 **Vernon**
Okanagan Chapter Meeting - Don Lidstone of MacKenzie Lidstone will make a presentation on the Charter of Rights. A round table discussion will also be held on current municipal problems.

October 18-19 **Cowichan Bay**
Vancouver Island Chapter Meeting - a joint meeting will be held with the Public Works Association at the Cowichan Bay Inn. Dr. Jim McDavid from the Business School at the University of Victoria will make a presentation on cutback management. A panel discussion will follow featuring J.D. Sansom, City Engineer for Victoria; Gordon Summers, Regional District of Nanaimo Administrator; and Bob Boxwell, Administrator of the City of Nanaimo.

October 19-20 **Nakusp**
Joint East/West Kootenay Chapter Meeting - Municipal officers from Idaho State will be in attendance to give advice and experiences in dealing with cutback management and innovations. Other workshops will include a presentation by Dave Fairbairn of Selkirk College on leadership and motivation; Derek Phillimore from Reed Stenhouse on municipal insurance; Ken Wiesner, Manager for the City of Trail, on labour relations; and Doug Ormond, Administrator for the City of Nelson, on election procedures.

October 25 **Maple Ridge**
Lower Mainland Chapter Meeting

November 22-23 **Prince George**
North Central Chapter Meeting

May 28-31, 1985 **Vancouver**
Annual Conference - at the Holiday Inn Harbourside in Vancouver (112-800-268-8811 for reservations toll free). Conference Chairman is Wayne d'Easum, Comox-Strathcona Regional District

MAEC Office to Remain Open

The Municipal Administration Education Council office, under the direction of Executive Secretary Joan Stephens will remain open at its present location until the end of 1984. The office, at #540 - 1070 Douglas Street, Victoria, B.C. V8W 2C4 (telephone 383-7032), was scheduled to close at the end of October, however the MOA Executive Committee decided to keep the office open in light of the valuable service being provided to MOA members by Mrs. Stephens.

Election Hot-line

Nanaimo City Clerk Sandy Gray has again offered to operate an election hot-line on November 17, 1984. If you have any questions or problems on election day, you can contact Mr. Gray at 758-5222.

A Brief History of the Municipal Clerk

The Municipal Clerk may well be the second oldest profession in history, and is certainly the oldest of public servants.

In Ancient Greece, each city had a scribe who would open official meetings by reading a curse upon anyone who should seek to deceive the people.

As related in the Holy Bible Acts XIX, the artisans of Ephesus who made the idols of the time, feared the effect of Paul's missionary work on their trade. They incited a mob to seize two of Paul's followers. The "town clerk" spoke out against this action and insisted that charges laid against these men had to be settled in the proper manner and before the proper authorities. He told the mob that there was no justification for riotous conduct and dispersed the crowd.

In 1215, King John signed a charter granting the citizens of London the right to annually

elect a Lord Mayor. This charter was issued a few weeks before the Magna Charta. Shortly thereafter, the Lord Mayor created the position of Chief Commoner who acts as the principal officer of the Corporation of London. Recently, the 94 ancient guilds and companies of the City of London elected their 655th Lord Mayor.

The Remembrancer was first appointed in 1272. At the meetings of the City Councillors, which were not recorded in written minutes, the Remembrancer was called upon to remind the councillors of what had transpired at their previous meetings. The position is still held in London, although the Remembrancer now serves as the City's Ceremonial Officer and Chef de Protocol.

Many of the early scribes and scholars were much respected clerics, from whence the word "clerk" was derived.

In 1354, the Mayor of Nottingham ap-

pointed the Clarke and provided for his remuneration. During the 14th Century, clerks were put in charge of the census. In 1477, Thomas Caxton, a town clerk, was the first English printer.

In the 15th Century, there was not only the "Towne Clarke" but also the "Clerk Comptroller of the King's Honorable Household." In 1603, there was a "Clarke General of the Armie." King Henry VIII had a "Clarke of the Spicery" and King Charles had his "Clerk of the Robes."

When the early colonists came to America, they set up forms of local government to which they had been accustomed, and the office of clerk was one of the first to be established. The first free election in the United States was held in New York City in 1689 when offices of Sheriff, Mayor and City Clerk were on the ballot.

Publications

The Canadian Mortgage and Housing Corporation has produced five documents relating to its experiences with residential development in Tumbler Ridge. These documents are available free of charge upon request in writing to the Canadian Housing Information Centre, Canada Mortgage and Housing Corporation, National Office, Montreal Road, Ottawa, Ontario K1A 0P7. The document titles available are:

- BG 151 Tumbler Ridge District Heating Study: Summary of Findings
- EG 267 Tumbler Ridge Planning Framework for Energy Conservation Planners
- EG 268 Tumbler Ridge Energy Efficient Subdivision and Community Designs
- EH 534 Tumbler Ridge Cost Effective Energy Efficient New Housing
- HH 445 Tumbler Ridge Alternative Financing Mechanisms for Energy Efficient Housing

The District of Surrey has prepared a Land Development Guide to assist developers and consultants in understanding the development process and the step-by-step approach to achieve approval. The guide deals with rezoning, subdivision and development permits. A copy of this document is available at cost of reproduction from the Municipal Clerk's Office, 14245 - 56 Avenue, Surrey, B.C. V3W 1J2 (telephone 591-4132).

The Association of Professional Engineers of B.C. has reported an agreement has been reached with the City of Vancouver on the wording of a variety of certificates signed by professional engineers which attempt to clarify responsibility for engineering functions. Many engineers have been unhappy with the wording of certificates being used because of concern that professional engineers are being exposed to greater liability than called for through their work.

The certificates that have been developed include:

- Sprinkler Systems - Certificate of Compliance
- Review of Excavation
- Review of Backfill
- Review of Construction
- Confirmation of Commitment by Owner with Respect to Design
- Field Review of Construction
- Professional Field Review - Certificate of Compliance

The Association of Professional Engineers hopes the joint development of these certificates will lead to a better understanding of the responsibilities of professional engineers, and at the same time, place proper responsibility and liability on those engineers practicing in the City of Vancouver. The Association hopes these certificates will be transferable to other municipalities in the province.

Copies of these certificates can be obtained from the City of Vancouver, Building Permit Department, 2675 Yukon Street, Vancouver, B.C. or from the Association of Professional Engineers, 2210 - West 12th Avenue, Vancouver, B.C.

FENTON / David Wiley Miller

